

**PROPOSED AMENDMENTS TO  
THE COMPREHENSIVE PLAN TO DELETE THE HEI AND  
IMPLEMENT REVISIONS TO OPEN SPACE, LAND ACQUISITION,  
AND MANAGEMENT, AND GIS MAPPING**

**Amendment #1**

Delete Policy 101.4.20

**Amendment #2**

Amend Policy 101.4.22 as follows:<sup>1</sup>

**Policy 101.4.22**

All ~~densities and intensities~~ development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps and the wetland requirements in 102.1.1. ~~habitat per current Land Development Regulations, Division 8, hereby incorporated by reference.~~ In the case of upland hardwood and pineland forests the open space is determined by the results of the habitat analysis (see Conservation and Coastal Management, Objective 205.2 and related policies). ~~Except as defined in Policy 101.12.4, -clearing of upland native vegetation areas in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:~~

TIER	Permitted Clearing
Tier I	10%
Tier II	40%
Tier III	60%

**Amendment #3**

Amend Policy 101.14.1:<sup>2</sup>

**Policy 101.14.1**

Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4).~~ [9J-5.006(3)(c)1]

**Amendment #4**

Amend Policy 102.1.1 as follows:<sup>3</sup>

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<sup>1</sup> This revision reflects that clearing and open space will be controlled by the Tier designation based on the existing conditions rather than the environmental regulations that are based on the 1986 habitat maps.

<sup>2</sup> This revision reflects that the majority of the CHHA are in Tier I and are therefore receive a lower score.

<sup>3</sup> The revisions update the Policy to reflect the wetland regulations currently in effect.

**Policy 102.1.1**

~~Upon adoption of the Comprehensive Plan, The County shall utilize the Environmental Standards, found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (hereby incorporated by reference) to protect submerged lands and wetlands. Accordingly, The open space requirement shall be one hundred (100) percent of the following types of wetlands:~~

1. Submerged lands
2. mangroves
3. salt ponds
4. fresh water wetlands
5. fresh water ponds
6. undisturbed salt marsh and buttonwood wetlands

~~Upon adoption of the Comprehensive Plan the County shall further protect its wetlands by requiring a one hundred (100) percent open space requirement for undisturbed salt marsh and buttonwood wetlands and by requiring A 50 foot buffer shall be required around freshwater resources.~~

<sup>4</sup> Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. [9J-5.006(3) (c) 1 and 6]

**Amendment # 5**

Amend Objective 102.4 as follows:<sup>5</sup>

**Objective 102.4**

Monroe County shall prepare a Land Acquisition Master Plan by July 1, 2005 containing a strategy for securing funding and non-funding sources for acquisition and management of conservation lands, retirement of development rights and identification and purchase of sites for affordable and employee housing and recreational purposes<sup>6</sup>. By January 4, 1998, Monroe County shall establish the Monroe County Natural Heritage and Park Program. The purpose of this plan shall be to acquire lands and open space in the public interest for conservation and recreation purposes. [9J-5.006(3)(b)4, 10 and 9J-5.010(2)(c)3]

**Policy 102.4.1**

The Monroe County Land Acquisition Master Plan ~~Natural Heritage and Park Program~~ shall be developed and implemented by the Growth Management Division, in cooperation with the Monroe County Land Authority, FDEP, FDCA, FWC, and USFWS. ~~with the Parks and Recreation Board~~ and other knowledgeable county and state agencies. [9J-5.006(3)(c)4 and 6]

<sup>4</sup> Wetland setbacks are defined in Policy 204.2.6, deleting the reference here will prevent confusion.

<sup>5</sup> This revision is to incorporate changes in the land acquisition priorities in Monroe County with the completion of the Florida Keys Carrying Capacity Study and adoption Of Goal 105.

<sup>6</sup> Land acquisition for affordable housing is an additional element included in the Land Acquisition Master Plan.

**Policy 102.4.2**

The Land Authority and the Growth Management Division shall identify and prioritize the types of lands which shall be considered for acquisition. These shall include, at a minimum:

- ~~1. lands containing naturally occurring and native habitats;~~
- ~~2. lands containing habitat critical to, or providing significant protection for, species designated as threatened or endangered by the U.S. Fish and Wildlife Service and/or State of Florida;~~
1. designated Tier I (Conservation and Natural Areas) lands as defined in Policy 105.2.1.1, which shall include all contiguous hammock areas above four acres,
2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate; lands containing naturally occurring and native habitats;
3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands that are required under Policy 102.1.1;
4. designated Tier II lands as defined in Policy 204.2.1.2 that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;
- ~~3.5.~~ lands containing unique geologic features;<sup>7</sup>
6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;
7. lands in Tier II and Tier III for employee and affordable housing;<sup>8</sup>
- ~~58.~~ lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access; and
- ~~69.~~ lands, which offer the opportunity for preservation of significant archaeological or historical sites. [9J-5.006(3)(c)4 and 6]

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<sup>7</sup> Staff can think of no such resources in the County.

<sup>8</sup> This revision adds land for employee and affordable housing to the list of acquisition areas, in the past this sections did not include implementation of a housing goal.

**Policy 102.4.3**

The Land Authority and Growth Management Division shall develop a priority list of ~~Natural Heritage and Park~~ acquisition sites. This list shall be updated annually. In formulating this list the County will prioritize Tier I lands over Tier II and Tier III lands. Tier II lands with fragmented hammocks and wetlands identified in Policy 102.4.2.2 shall be the second highest priority for acquisition. Acquisition of land for affordable housing on vacant scarified lands in Tier II and III shall also be a first priority. ~~will consider freshwater lenses and recharge areas, especially those which overlap the habitats of endangered or threatened wildlife species, as a high priority.~~ [9J-5.006(3)(c)4 and 6]

**Policy 102.4.4**

The Monroe County Land Acquisition Master Plan shall contain an acquisition financing plan shall be developed annually which identifies potential sources of funding for acquisition of lands on the Priority List. Funding sources which shall be considered include the following: Land acquisition will be a coordinated effort between the state and federal governments and the county. The county shall petition the state and federal government to accept primary responsibility for acquisition of Tier I, conservation and natural lands. The county will be responsible for purchases in Tier II and Tier III of wetlands and fragmented hammock areas. Land acquisition for other priorities depend on funding availability, need and future use.

1. ~~Florida Recreation Development Assistance Program;~~
2. ~~Preservation 2000 Trust Fund~~
3. ~~Conservation and Recreation Lands (CARL) Program;~~
4. ~~Land and Water Conservation Fund;~~
5. ~~Urban Parks and Recreation Recovery (UPARR) Action Grants;~~
6. ~~local funds made available from fair share community park impact fees (paid pursuant to the Monroe County Land Development Regulations); and~~
7. ~~Local funds as may be made available through special appropriation by the Monroe County Board of County Commissioners. —[9J-5.006(3)(c)4 and 6]~~

**Policy 102.4.5**

An intergovernmental organization and management structure shall be developed to implement the expanded acquisition program, including representatives of Growth Management Division, Land Authority, municipalities and state and federal agencies.

~~The Growth Management Division shall, in coordination with the Grants Manager, make applications to funding sources as identified in the annual acquisition financing plan. —[9J-5.006(3)(c)4 and 6]~~

**Amendment #6**

Delete existing Policy 102.4.6 and create new Policy 102.4.6

**Policy 102.4.6**

The Monroe County Land Acquisition Master Plan shall contain policies to direct the overall acquisition program, criteria to follow when setting priorities for acquisition and a framework for the acquisition process and the sharing of responsibilities. At a minimum the plan will include the following:

1. Environmental protection, density reduction and passive recreation:
  - a) public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and hammock lots in Tier II and Tier III.;
  - b) buy/sell back to the adjacent property owners option will be followed in Tier II, where sprawl and density reduction are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation;
  - c) purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;
  - d) non-purchase options will also be explored and specific recommendations included;
  - e) criteria for the prioritization of land acquisitions within the different priority areas will include 1) the size and the location of the property and surrounding land uses including management status, 2) minimization of the edge to area ratio of parcels by combining lots for acquisition, 3) potential for successful reclamation if within a larger, better hammock quality area, and 4) maintenance costs for isolated parcels.
2. Affordable and employee housing:
  - a) parcels in Tier II and Tier III that are suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition;
  - b) priority for acquisition will be given to projects that are ready to proceed with ROGO allocations available;
  - c) public/private/non-profit partnerships and/or agreements exist to develop the site and maintain the affordability of residential units in perpetuity.

**Amendment #7**

Create new Policy 102.4.7

**Policy 102.4.7**

Lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and

**Amendment # 8**

Amend Policy 102.7.3 as follows:<sup>9</sup>

**Policy 102.7.3**

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designating off shore islands as Tier I lands. ~~negative points in the Permit Allocation and Point System~~ [9J-5.006(3)(c)6]

**Amendment # 9**

Amend Policy 102.8.1 <sup>10</sup>

**Policy 102.8.1**

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). (See Objectives 101.2, 101.3, and 101.5 and related policies)~~ [9J-5.006(3)(c)6]

**Amendment # 10**

Amend Policy 102.8.5 as follows: <sup>11</sup>

**Policy 102.8.5**

~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall ~~initiate~~ continue its efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;

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<sup>9</sup> This revision demonstrates how the ROGO and NROGO system is being modified to protect off shore islands without assigning negative points on an individual basis.

<sup>10</sup> CBRS are included in Tier I and are protected by the Tier points in ROGO and NROGO.

<sup>11</sup> Negative points are no longer needed because the CBRS units are included in Tier I.

2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units; and
3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units; ~~and~~
4. ~~Monroe County regulations regarding development in CBRS units, including the Permit Allocation System regulations, which commits negative points for development in CBRS units. (See Policy 101.5.4.) [9J-5.006(3)(c)6]~~

### **Amendment # 11**

Amend Objective 102.9 as follow:<sup>12</sup>

#### **Objective 102.9**

~~By January 4, 1998, Monroe County shall complete and implement a cooperative land management program for private and county publicly owned lands acquired through implementation of the Monroe County Land Acquisition Master Plan (Objective 102.2), Goal 105 and the FKCCS. located within and adjacent to parks and conservation lands which are owned by the state and federal governments in the Florida Keys. [9J-5.006(3)(b)4]~~

#### **Policy 102.9.1**

Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations. ~~within Conservation Land Protection Areas (as defined in Policy 102.9.3 below) by methods including, but not limited to, negative points into the Permit Allocation and Point System (see Policy 101.5.7). (See Objectives 101.2, 101.3 and 101.5 and related policies.) [9J-5.006(3)(c)6]~~

#### **Policy 102.9.2<sup>13</sup>**

~~Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate Conservation Land Protection Area a planning process to develop policies to direct the over-all management program for publicly owned native lands. Changes in policies and specific management strategies may be modified as the program progresses, acquisitions continue and new information becomes available through biological research or monitoring of the management units. conservation lands in Monroe County. The purpose of these planning efforts will be to identify current and future~~

<sup>12</sup> With adoption of goal 105 and the resulting Tier system this Objective designating Conservation Land Protection Areas is no longer needed. The new section will be specific to the preservation in Tier I.

<sup>13</sup> Revisions to this section sets up the mechanism for development of a managing planning process for parcels acquired to implement Goal 105 and the FKCCS.

~~land use activities which are causing, or have the potential for causing, adverse impacts on sensitive natural features and natural resources within state and federal conservation lands. Land use activities of concern shall include both public and private actions. Monroe County shall complete Conservation Land Protection Area plans for each of the conservation lands in Monroe County by January 4, 1998. [9J-5.006(3)(c)3]~~

**Policy 102.9.3<sup>14</sup>**

Monroe County shall develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands. Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate efforts to identify a Conservation Land Protection Area for each conservation area owned by the state and federal governments in the Florida Keys.

~~These Conservation Land Protection Areas shall include:~~

- ~~1. private lands located within existing park and conservation land boundaries; and~~
- ~~2. private lands and county owned lands within a designated buffer adjacent to each conservation land.~~

~~Buffer areas shall be designated on an individual case basis and shall reflect the resource protection concerns and land ownership patterns specific to a particular conservation land.~~

~~Conservation lands for which a Conservation Land Protection Area shall be designated include the following:~~

- ~~1. Fort Jefferson National Monument~~
- ~~2. National Key Deer Refuge~~
- ~~3. Great White Heron National Wildlife Refuge~~
- ~~4. Key West National Wildlife Refuge~~
- ~~5. Crocodile Lake National Wildlife Refuge~~
- ~~6. John Pennekamp Coral Reef State Park~~
- ~~7. Long Key State Recreation Area~~
- ~~8. Bahia Honda State Park~~
- ~~9. Key Largo Hammock State Botanical Site~~
- ~~10. Lignumvitae Key State Botanical Site~~
- ~~11. Windley Key State Geological Site~~
- ~~12. Indian Key State Historic Site~~
- ~~13. Lignumvitae Key State Aquatic Preserve~~
- ~~14. Biscayne Bay Card Sound State Aquatic Preserve~~
- ~~15. San Pedro Archaeologic Aquatic Preserve~~

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<sup>14</sup> The Tier system accomplishes the policy being deleted in the plan .



16. ~~Coupon Bight State Aquatic Preserve~~
17. ~~North Key Largo Hammock CARL Project~~
18. ~~North Layton Hammock CARL Project~~
19. ~~Curry Hammock State Park~~
20. ~~Coupon Bight/Key Deer CARL Project~~
21. ~~Cowpen's Rookery Preserve~~
22. ~~Save Our Rivers Big Pine Key Project~~
23. ~~Fort Taylor State Historic Site~~
24. ~~Shell Key Aquatic Preserve~~

**Policy 102.9.4**

Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]

~~By January 4, 1998, Monroe County, in cooperation with appropriate state and/or federal agencies, shall develop a management plan for each Conservation Land Protection Area. These plans shall identify actions to be taken by Monroe County within the Conservation Land Protection Area in support of the purpose for which each conservation land was acquired. These actions shall include:~~

1. ~~land management actions for private lands and county owned lands, particularly as they relate to:~~
  - a) ~~critical species protection;~~
  - b) ~~invasive plant removal;~~
  - c) ~~restoration of disturbed wetland and upland habitat;~~
  - d) ~~\_\_\_\_\_~~
  - e) ~~pesticide applications;~~
  - f) ~~prescribed burning; and~~
  - g) ~~activities which have potential adverse impacts on nearshore water quality.~~
2. ~~recommendations regarding permitting of shoreline structures, dredging and filling and substrate alteration;~~
3. ~~actions to maintain and/or improve public access to state and federal conservation lands;~~
4. ~~strategies for working cooperatively with private landowners in support of conservation; and~~
5. ~~future intergovernmental coordination with state and/or federal agencies controlling and/or managing the conservation land. [9J-5.006(3)(c)6]~~

## **Amendment #12**

Delete Policy 102.9.5 and 102.9.6

### **Policy 102.9.5**

~~Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each Conservation Land Protection Area and management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]~~

### **Policy 102.9.6**

~~Within eighteen months following acquisition of additional conservation lands by the state and federal governments, the County shall, in cooperation with appropriate state and/or federal agencies, designate a Conservation Lands Protection Area for the newly acquired property and complete a management plan. (These actions shall be required only for acquisitions which are not expansions of existing conservation lands.) [9J-5.006(3)(c)6]~~

## **Amendment # 13**

Amend Policy 103.2.1 and Delete Policy 103.2.2:<sup>15</sup>

### **Policy 103.2.1**

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement methods including, but not limited to, designating known habitat of the Schaus's swallowtail butterfly as Tier I. the Permit Allocation and Point System in order to discourage developments proposed within hammocks (identified pursuant to Conservation and Coastal Management Policy 207.10.1) used by Schaus' swallowtail butterfly and the lands in the North Key Largo Hammocks CARL Project State Acquisition Area in the permit allocation and point system. (See Policy 205.1.1 101.5.4.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~

### **Policy 103.2.2**

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5-336 through 9.5-342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~

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<sup>15</sup> This revision will require that the Schaus' butterfly be protected through identification of known habitat as Tier I.

3. ~~evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]~~

#### **Amendment # 14**

Amend Policy 204.2.1 as follows:<sup>16</sup>

##### **Policy 204.2.1**

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Environmental Standards found in Section 9.5-336 through 9.5-342 of the Land Development Regulations (hereby incorporated by reference) To protect submerged lands and wetlands. Accordingly~~ To protect submerged lands and wetlands the open space ratio shall be 100 percent of the following types of wetlands:

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands;
5. freshwater ponds; and
6. undisturbed saltmarsh and buttonwood wetlands.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetland only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. (9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6)

#### **Amendment # 15**

Amend Objective 205.1 as follows:<sup>17</sup>

##### **Objective 205.1**

~~By January 4, 1998, Monroe County shall utilize the computerized geographical information system (GIS) and the data, analysis and mapping generated in the Florida Keys Carrying Capacity Study (FKCCS), FMRI, habitat maps and field evaluation to which will provide more current and more refined data on upland vegetation in the Florida Keys identify and map areas of upland vegetation in the Florida Keys and to prepare Tier overlay maps as required in Policy 105.2.2. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]~~

<sup>16</sup> The Sections of the LDRs are being amended and it is inappropriate to site the regulations in the plan.

<sup>17</sup> This revision establishes the criteria and mapping protocol for mapping of upland native vegetation and Tier designation.

**Policy 205.1.1**

The County shall establish the following criteria at a minimum to use when a field  
~~a consistent methodology and criteria for mapping and evaluating upland habitats:~~  
[9J-5.013(2)(c)9]

1. Criteria for designating lands as Tier I:

- Natural areas including old and new growth upland native vegetated areas, above 4 acres and a buffer of privately owned vacant lots and parcels.
- Vacant land to connect patches and reduce further fragmentation.
- A buffer, up to 500 feet if indicated, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary.
- Lands designated for acquisition by public agencies.
- Known locations of threatened and endangered species.
- Native Area Land Use district and other districts in buffer/restoration area as appropriate.
- Lands with a potential for successful land management - restoration of disturbed habitat, removal of exotics, and connection of patches.
- Areas with minimal existing development.

2. Criteria for designating lands as Tier II:

- Subdivisions less than 50% developed, or portions of subdivisions that are less than 50% developed because of environmental constraints.
- Fragmented, unconnected hammock patches of less than 4 acre, which are isolated from larger natural areas by existing development.
- Developed and undeveloped SR and SS lots with upland native habitat.
- Platted lots in areas where adjoining property owner(s) may purchase the lots with county participation.

3. Criteria for designating lands as Tier III:

- Isolated upland habitat fragments of less than half an acres
- Substantially developed subdivisions near established commercial areas.
- Primarily IS and URM lots.
- Developed non-residential and mixed used areas.

**Policy 205.1.2**

The County shall ~~complete ground-truthing of~~ the upland habitats identified in the ADID habitat maps, aerial photography, satellite imagery and the FKCCS, including mapping and preliminary habitat evaluations. Priority shall be given to

natural upland communities of four acres or greater ~~identified in the Florida Natural Areas Inventory.~~ [9J-5.013(2)(c)9]

**Policy 205.1.3**

The County shall enter ground-truthed upland native vegetated area location and evaluation data into the GIS and use the GIS to analyze the data and prepare Tier Zoning Overlay Maps for adoption as required in Policy 105.2.2. [9J-5.013(2)(c)9]

**Policy 205.1.4**

The GIS will be used to evaluate the lands designated in the different Tiers, determining vacant, platting and ownership status, zoning, and appraised values for acquisition planning. ~~Vegetation data shall be plotted on the GIS at a scale of 1 inch equals 200 feet.~~ [9J-5.013(2)(c)9]

**Policy 205.1.5**

Land management activities, land acquired ~~Habitat evaluation index~~ and permit data shall be incorporated into the GIS annually. [9J-5.013(2)(c)9]

**Policy 205.1.6**

The County shall coordinate its upland native vegetation mapping and evaluation efforts with those of federal and state agencies and private researchers so as to avoid duplication of effort. These agencies shall include, at a minimum, the EPA, ACOE, ~~DER, DNR, FDEP, FDCA, SFWMD, FGFWFC,~~ and nongovernmental environmental groups ~~the National Audubon Society (Research Department).~~ [9J-5.013(2)(c)9]

**Amendment # 16**

Amend Objective 205.2 as follows:<sup>18</sup>

**Objective 205.2**

To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land Development Regulations which further protect and provide for restoration of the habitat values of upland native vegetated communities, including hardwood hammocks and pinelands. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

**Policy 205.2.1**

Monroe County shall designate the boundaries in the zoning overlay tier system based on the criteria in 205.1.

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Habitat Evaluation Index (HEI), found in Section 9.5-336 through 9.5-342 of the Land~~

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<sup>18</sup> This revisions provides direction for the LDR amendments implementing the Tier system and removing the requirements for an HEI.

~~Development Regulations, hereby incorporated by reference, to evaluate and protect sensitive habitats of the Florida Keys.~~

~~Upon adoption of the Comprehensive Plan, Monroe County shall complete revisions to the HEI which shall include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. The comprehensive plan shall be amended to include the HEI revision.~~

#### **Policy 205.2.2**

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System. Monroe County shall discourage assign a negative point rating to developments in Tier I which disturb to protect areas of native upland vegetation. Sites having high quality native upland vegetation s hall receive a greater negative point rating than sites having medium and low quality native upland vegetation. Habitat value shall be determined through application of measures as specified in the HEI. (See Policy 101.5.4). [9J-5.012(3)(c)1, 2 and 3; 9J-5.014(2)(c)6]~~

#### **Policy 205.2.6<sup>19</sup>**

~~The permitted clearing of native upland vegetation communities shall be defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps. which exhibit functional integrity and viability shall meet or exceed their existing percentages, as follows: Clearing of upland native vegetation communities in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:~~

Tier	Permitted Clearing
Tier I	10%
Tier II	40%
Tier III	60%

<sup>19</sup> Clearing and open space requirements are now based on the Tier designation, an HEI will no longer be used because the mapping has been done up front of all quality hammock areas. Clearing will be reduced over-all.

1. high hammock	
_____ high quality	0.80
_____ moderate quality	0.60
_____ low quality	0.40
_____ disturbed	0.40
2. low hammock	
_____ high quality	0.80
_____ moderate quality	0.60
_____ low quality	0.40
_____ disturbed	0.40
3. palm hammock	0.90
4. cactus hammock	0.90
5. pinelands	
_____ high quality	0.80
_____ low quality	0.60
_____ disturbed	0.60
6. scarified	0.20

~~The definition for open space shall be that currently contained in Section 9.5 4(O-3) of the F.S. 380.05 compliant Land Development Regulations, hereby incorporated by reference.~~

#### **Policy 205.2.7**

Clearing of native vegetation shall be limited to the percentage allowed in Policy 205.2.6. and shall be called the immediate development area. <sup>20</sup>For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of upland native vegetation shall be limited to the clearing permitted in 205.2.6 or 5,000 square feet, whichever is less. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within areas of native upland vegetation not approved for clearing. ~~required open space areas.~~ [9J-5.013(2)(c)3]

#### **Policy 205.2.12<sup>21</sup>**

Monroe County shall ~~apply all environmental regulations including use as a baseline to determine the clearing that may be permitted on a site according to the use the~~ legal conditions of land existing as of February 28, 1986 and as depicted on

<sup>20</sup> This change implements the changes in the proposed rule 28-20.110.

<sup>21</sup> Changing to the existing conditions on a property rather than the conditions in existence in 1985 will increase the protection of habitat areas by including "new growth" which is not currently protected or analyzed in the HEI.

the "December 1985 Habitat Classification Aerial Photographs," hereby incorporated by reference as a base line for the type and extent of habitat on a parcel. The 1985 maps shall be supplemented by recent aerial photography and existing site analysis to determine any increases in the amount of upland native vegetated areas. ~~include a disclaimer statement to advise the public that the maps are generalized and that habitat designations are subject to verification through field inspections.~~

**Policy 205.2.14**

Monroe County shall require, in the Land Development Regulations an Existing Conditions Report including a vegetation survey for any development that may disturb native upland vegetation. At a minimum the report shall include an analysis of the potential impacts of the proposed development on native upland habitats, a description of the measures designed to reduce identified adverse impacts including clustering and a transplantation plan..

**Amendment # 17**

Amend Objective 205.5 as follows:<sup>22</sup>

**Objective 205.5**

Monroe County, together with private, state, and federal agencies, shall establish a program for acquiring ~~undisturbed~~<sup>23</sup> native upland habitat to implement Goal 105 and the recommendations in the FKCCS. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

**Policy 205.5.1**

The Monroe County ~~Department of Environmental Resources~~ Division of Growth Management shall work cooperatively with the Monroe County Land Authority in developing and administering the acquisition program. Acquisition shall be undertaken ~~as part of to implement the Monroe County Land Acquisition Master Plan (Objective 102.4) Natural Heritage and Park Program.~~ [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

**Policy 205.5.2**

A list of priority native upland habitat acquisition sites in Tier I shall be drafted and ~~updated~~ reviewed annually. This list shall be developed by Monroe County in consultation with representatives of ~~DNR, FDEP, FDCA, USFWS, SFWMD, FWC the National Audubon Society Research Department, The Nature Conservancy,~~ and others as appropriate. ~~Priority native upland vegetation acquisition sites shall include those which:~~

- ~~1. are determined to be high quality habitat and are designated in the Tier I overlay district (through the HEI);~~

<sup>22</sup> This revision establishes the acquisition program required to implement Goal 105.

<sup>23</sup> Regrowth areas are now maturing and should also be protected.



2. ~~include plant species of special status endemic species;~~
3. ~~are documented habitat for wildlife species of special status;~~
4. ~~are may be located within Improved Subdivisions; and/or~~
5. ~~are documented as significant coastal upland natural communities by the Florida Natural Areas Inventory. [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]~~

### **Amendment # 18<sup>24</sup>**

Delete Policy 207.1.2, Policy 207.10.5 and 207.12.6:

#### **Policy 207.1.2**

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status and critical nesting/feeding areas for birds. The HEI shall be revised to include, at a minimum, the following:~~

1. ~~a written methodology for completing the HEI;~~
2. ~~requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
3. ~~evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those~~

#### **Policy 207.10.5**

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

1. ~~a written methodology for completing the HEI;~~

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<sup>24</sup> The deletions are because the HEI will no longer be used to protect upland vegetation ( the changes to the HEI were completed in 1998) the Tiers will provide the needed protection

- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J 5.013(2)(c)3]~~

**Policy 207.12.6**

~~Upon completion of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J 5.013(2)(c)3]~~

**Amendment # 19**

Delete Objective 1201.13:<sup>25</sup>

**Objective 1201.13**

~~By January 4, 1998, Monroe County shall establish and implement the Monroe County Natural Heritage and Park Program. The purpose of this program shall be to acquire lands and open space in the public interest for conservation and recreation purposes. (See Future Land Use Objective 102.4 and related policies.) [9J 5.014(3)(b)1 and 2]~~

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<sup>25</sup> The Natural Heritage and Park Program has been removed from the Comprehensive Plan.